

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ULTRATEC, INC.,**  
*Appellant*

**v.**

**CAPTIONCALL, LLC,**  
*Appellee*

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2016-1706, -1707, -1710, -1712

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Appeals from the United States Patent and Trade-  
mark Office, Patent Trial and Appeal Board in Nos.  
IPR2013-00540, IPR2013-00541, IPR2013-00544, and  
IPR2013-00545.

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**ULTRATEC, INC.,**  
*Appellant*

**v.**

**CAPTIONCALL, LLC,**  
*Appellee*

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2016-1708, -1709, -1715

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Appeals from the United States Patent and Trade-  
mark Office, Patent Trial and Appeal Board in Nos.  
IPR2013-00542, IPR2013-00543, and IPR2013-00550.

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**ULTRATEC, INC.,**  
*Appellant*

**v.**

**CAPTIONCALL, LLC,**  
*Appellee*

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2016-1713

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2013-  
00549.

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**ON MOTION**

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**O R D E R**

Pursuant to Rule 44(a) of the Federal Rules of Appel-  
late Procedure, Appellant notifies this court that they will  
argue in the above-captioned appeals that the *inter partes*  
review proceedings (35 U.S.C. § 311 *et seq.*) are unconsti-  
tutional.

Upon notice of the fact that “a party questions the  
constitutionality of an Act of Congress in a proceeding in  
which the United States . . . is not a party,” the clerk of  
this court must “certify that fact to the Attorney General.”  
Fed. R. App. P. 44(a); *see also* 28 U.S.C. § 2403(a) (“In any  
action . . . in a court of the United States to which the

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United States . . . is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene . . . for argument on the question of constitutionality.”).

Accordingly,

IT IS ORDERED THAT:

(1) Notice of Appellant’s constitutional challenge is hereby certified to the Attorney General.

(2) No later than 30 days within the date of filing of this order, the Attorney General is directed to inform this court whether she intends to intervene in this appeal.

FOR THE COURT

/s/ Daniel E. O’Toole

Daniel E. O’Toole

Clerk of Court

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